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*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

A & G GOLDMAN PARTNERSHIP and PAMELA
GOLDMAN,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. _____ (SMB)

**DECLARATION OF KEITH R.
MURPHY IN SUPPORT OF
APPLICATION FOR
ENFORCEMENT OF THE
PERMANENT INJUNCTION AND
AUTOMATIC STAY**

KEITH R. MURPHY, under penalty of perjury, declares:

1. I am a member of the Bar of this Court and a partner at the firm of Baker & Hostetler LLP, counsel for Irving H. Picard, Trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the estate of Bernard L. Madoff (“Madoff”), individually.

2. As an attorney of record in these proceedings, I am fully familiar with the facts set forth herein. I make this declaration to provide certain information to the Court and to transmit true and correct copies of the documents identified herein.

3. The Picower Parties¹ are simultaneously filing a related action that seeks enforcement of the Permanent Injunction against the Goldman Plaintiffs. The Picower Parties are filing a motion to consolidate their action with the Trustee’s action. The Trustee consents to the consolidation of the actions. Counsel for the Goldman Plaintiffs was unwilling to take a position on the proposed consolidation of the actions until after the actions are filed.

4. True and correct copies of the following documents are attached:

Exhibit A: Complaint, *Picard v. Picower*, Adv. Pro. No. 09-1197 (Bankr. S.D.N.Y. May 12, 2009), ECF No. 1

Exhibit B: Memorandum of Law in Opposition to Defendants’ Partial Motion to Dismiss Under Fed. R. Bankr. P. 7012(b) and 7009, *Picard v. Picower*, Adv. Pro. No. 09-1197 (Bankr. S.D.N.Y. Sept. 30, 2009), ECF No. 11

Exhibit C: Memorandum of Law in Support of Motion for Entry of an Order Pursuant to Section 105(a) of the Bankruptcy Code and Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure Approving an Agreement By and Between the Trustee and the Picower BLMIS Account Holders and Enjoining Certain Claims, *Picard v.*

¹ Unless otherwise defined herein, defined terms have the meaning given to them in the Trustee’s Memorandum of Law in Support of Application for Enforcement of the Permanent Injunction and Automatic Stay, filed on November 17, 2014.

Picower, Adv. Pro. No. 09-1197 (Bankr. S.D.N.Y. Dec. 17, 2010), ECF No. 25

Exhibit D: Permanent Injunction Order and Exhibit, *Picard v. Picower*, Adv. Pro. No. 09-1197 (Bankr. S.D.N.Y. Jan. 13, 2011), ECF No. 43

Exhibit E: *Fox v. Picower*, Adv. Pro. No. 10-80252 (S.D. Fla.), Initial Complaint, filed Feb. 16, 2010 (ECF No. 1) (without exhibits), and Amended Complaint, filed Mar. 15, 2010 (ECF No. 5) (without exhibits)

Exhibit F: *Marshall v. Picower*, Adv. Pro. No. 10-80254 (S.D. Fla.) (without exhibits), Initial Complaint, filed Feb. 17, 2010 (ECF No. 1), and Amended Complaint, filed Mar. 15, 2010 (ECF No. 7) (without exhibits)

Exhibit G: Fox Plaintiffs' Proposed Second Amended Complaint, *Fox v. Picower*, No. 10-80252 (S.D. Fla. Feb. 5, 2014), ECF No. 28-3

Exhibit H: Motions of A&G Goldman Partnership and Pamela Goldman to Determine Application of Automatic Stay and Exhibit A, *Sec. Inv. Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC*, Adv. Pro. No. 08-1789 (Bankr. S.D.N.Y. Dec. 13, 2011), ECF Nos. 4580, 4581

Exhibit I: Oral Argument Transcript, *Goldman v. Picard*, No. 12-6109 (S.D.N.Y. Sept. 24, 2013), ECF No. 34

Exhibit J: "Goldman II" Docket *as of* November 17, 2014, *Goldman v. Capital Growth Co.*, No. 14-80012 (S.D. Fla. filed Jan. 6, 2014)

Exhibit K: Complaint for Declaratory Judgment (without exhibits), *Goldman v. Picower*, No. 14-80012 (S.D. Fla. filed Jan. 6, 2014), ECF No. 1

Exhibit L: Second Goldman Complaint, *Goldman v. Capital Growth Co.*, No. 14-80012 (S.D. Fla. filed Jan. 6, 2014), ECF No. 1-2

Exhibit M: "Goldman III" Docket *as of* November 17, 2014, *Goldman v. Picard*, No. 14-81125 (S.D. Fla. filed Aug. 28, 2014)

Exhibit N: Third Goldman Complaint, *Goldman v. Capital Growth Co.*, No. 14-81125 (S.D. Fla. filed Aug. 28, 2014), ECF No. 1

Exhibit O: Joint Stipulation and Agreed Motion for Stay, *Goldman v. Capital Growth Co.*, No. 14-81125 (S.D. Fla. Sept. 24, 2014), ECF No. 4

Exhibit P: Order on Joint Stipulation and Agreed Motion for Stay, *Goldman*
v. Capital Growth Co., No. 14-81125 (S.D. Fla. Sept. 29, 2014),
ECF No. 6

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 17, 2014
New York, New York

/s/ Keith R. Murphy
Keith R. Murphy